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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,850	11/14/2001	Heinz Josef Ohm	01684/LH	9273

1933 7590 07/11/2003

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK, NY 10017-2023

EXAMINER
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CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/11/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,850

Applicant(s)

OHM, HEINZ JOSEF

Examiner

Randall Chin

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/30/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen '449.

The patent to Bowen '449 discloses a cleaning device comprising a "mount" defined by bracket 9 and squeegee structure 20 (Fig.1) having a felt strip 22 therein, a stemlike handle 1 that is joined to the mount pivotably about a pivot axis (this pivot axis extends in the direction of thumbscrew 23 shown in Fig.1) that is perpendicular to a longitudinal direction of the felt strip 22, wherein the pivot axis of the mount and handle forms an acute angle which appears to be within the claimed range of 30 and 60 degrees (Fig.1) with a longitudinal direction of the handle, wherein a geometric line of intersection of a common pivoting plane of the mount and handle with a surface to be cleaned is located below the squeegee with respect to a downward pulling direction of the cleaning device (Fig.1), and wherein the mount and handle are adjustably connected by a screw connection at 23, 24 to achieve desired clamping. Note that flat end portion of bracket member 4 shown in Fig.1 forms the common pivoting plane and intersects a surface to be cleaned below the upper felt strip 22. It will be pointed out

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here that it is the position of the Examiner that although the claim specifically recites a "squeegee", Bowen explicitly mentions strips 22 are made from felt, however, Bowen does mention it functions as a "squeegee" (see col. 2, lines 67-69). Felt strip 22 functions as a "squeegee" here and is deemed to meet the broad limitation of a "squeegee".

As for claim 4 reciting that the acute angle approximately 45 degrees, one of ordinary skill would find it obvious to modify the acute angle to optimize cleaning a wall surface and providing for an orientation which generates the most comfortable wiping position while pulling the handle downwards (see col.2, lines 1-7).

### ***Conclusion***

3. Applicant's arguments filed June 30, 2003 have been fully considered but they are not persuasive.

Applicant's request for reconsideration filed June 30, 2003 has been considered, however, does not presently put the application in condition for allowance.

4. Applicant asserts that the pivotable connection between the handle and the mount in the cleaning device enables an operator to perform cleaning of lateral surface areas in stable S-shaped wiping motions and that the claimed structural features enable good lateral pivoting of the handle relative to the mount. It should be noted that the features upon which applicant relies (i.e. enabling good lateral pivoting of the handle relative to the mount, the squeegee lagging behind the pivoting plane to improve the stability of the position of the mount, perform cleaning in S-shaped wiping motions) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

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specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant further argues that Bowen '449 teaches the handle and mount rigidly connected to the handle and that there is no pivot axis in Bowen and the mount is not pivotably connected to the handle. It is the position of the examiner that loosening of tightening nut 24 (Fig.1) would enable even a slight pivoting of mount 9 with respect to the handle. Applicant appears to be arguing that the mount is able to pivot with respect to the handle during usage (which is not necessarily required when construing claim 1), however, the last two lines of claim 1 also recite that the mount and handle are adjustably connected to achieve desired clamping which would suggest that a very tight clamping pressure could inhibit or hinder the amount of pivoting. One query would be what would be the difference between the maximum amount of "desired clamping" compared with the smallest degree of "desired clamping" as the last two lines of claim 1 recite.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (703) 308-1613. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Randall Chin  
Primary Examiner  
Art Unit 1744



R. Chin  
July 10, 2003